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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS¹

INSECTICIDE AND FUNGICIDE BOARD

No. 56

N. J. 1051-1075

[Approved by the Secretary of Agriculture, Washington, D. C., September 30, 1926]

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT OF 1910

[Given pursuant to section 4 of the Insecticide Act of 1910]

1051. Misbranding of "Calcosul." U. S. v. Homer L. Blackwell. Plea of nolo contendere. Fine, \$10. (I. & F. No. 1327. Dom. No. 19436.)

On March 31, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Homer L. Blackwell, trading as the Calcosul Chemical Co., and as the Blackwell Chemical Co., Kansas City, Mo., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about February 13, 1924, from the State of Missouri into the State of Illinois, of a quantity of "Calcosul," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Calcosul A scientific combination for rendering all fowls immune from vermin. Directions: Use $\frac{1}{4}$ to $\frac{1}{2}$ teaspoonful of Calcosul to two gallons of the fowls' drinking water, keeping all other water from them. If fowls are especially lousy or infected, give Calcosul as directed above for a least one week; repeat again in about ten days. After this it will only be necessary to treat them once or twice a month for two or three days at a time," borne on the labels affixed to the bottles containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against chicken lice and all other vermin that infest fowls, whereas, in fact and in truth, it would not.

Misbranding was alleged for the further reason that the article consisted completely of inert substances or ingredients—that is to say, substances that do not prevent, destroy, repel, or mitigate insects when used as directed—and the name and percentage amount of each and every one of the said inert substances or ingredients so present therein together with the statement that they are inert, were not stated plainly and correctly, or at all, on the label affixed to the bottles containing the article.

On May 29, 1926, the defendant entered a plea of *nolo contendere* to the information and the court imposed a fine of \$10.

W. M. JARDINE,
Secretary of Agriculture.

¹ Free distribution will be limited to firms, establishments, and journals especially concerned. Others desiring copies may obtain them from the Superintendent of Documents, Government Printing Office, Washington, D. C., at 5 cents each.

1052. Alleged misbranding of "Lee's Lice Killer." U. S. v. Geo. H. Lee Co. Tried to a jury. Verdict of not guilty. (I. & F. No. 504. Dom. No. 9891.)

On July 21, 1917, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Geo. H. Lee Co., a corporation, Omaha, Nebr., alleging shipment by said company, in violation of the insecticide act of 1910, on or about April 27, 1915, from the State of Nebraska into the State of Utah, of a quantity of "Lee's Lice Killer," which was alleged to be misbranded.

Misbranding of the article was alleged in the information for the reason that the statements borne on the labels affixed to the packages containing the said article, to wit, "Lee's Lice Killer For Poultry and Stock. * * * Painted or sprayed on poultry roosts arranged as directed, it kills not only lice and mites by contact, but also lice on the bodies of the chickens roosting over it. The vapor given off by a liquid Lice Killer is in our estimation its most important value. Lee's Lice Killer is the original liquid Lice Killer having vapor destructive of lice. * * * Directions for Use. * * * For Body-Lice On Fowls.—Apply Lee's Lice Killer, liberally to the roosts an hour or so before the chickens go to roost at night. To get a wide evaporating surface for killing body-lice it is necessary to arrange a 12 or 14 inch board directly under and close up to the roost. Apply Lee's Lice Killer to both board and roost daily for a short time, then once a month regularly. * * * Place hen in a box painted inside with Lee's Lice Killer for an hour or two. If hen and chicks have lice, remove the hen and treat as above, then return to chicks," were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that the said statements represented that the article, when used in the method and manner as directed, would be effective against lice on poultry, and against lice on young chickens, whereas, in fact and in truth, it was not.

On July 2, 1924, the case came on for trial before the court and a jury. After the submission of evidence and arguments of counsel the court delivered the following instructions to the jury:

GENTLEMEN OF THE JURY:

It is against the United States law, gentlemen, to ship insecticides in interstate commerce knowing them to be, when they are, and known to be by the shipper, misbranded. Under the law they are misbranded if the package or label bears any statement which is false or misleading in any particular, or if they are labeled or branded so as to deceive or mislead the purchaser, and the accusation against the defendant company here is as contained in the complaint that they shipped in interstate commerce the insecticide called "Lee's lice killer" from this State to a point in another State, and that the said lice killer insecticide was misbranded in that it is represented on the label on the container, which is part of the shipment, that the lice killer was effective to eradicate and "kill"—"kill" is the word they use—kill the vermin on chickens, including lice, by using it in a certain way set out in the directions, namely, by applying it to the roost and the dropping board in the chicken house, and it is charged by the Government that such representation was false and misleading, and was such as to deceive and mislead the purchaser.

The burden of proof is on the Government to establish these allegations beyond a reasonable doubt, and unless the evidence shows you beyond a reasonable doubt that the allegations are sustained in manner and form as made, the defendant should be acquitted. It is entitled in this case to any reasonable doubt that is in your mind on the evidence as a whole. It is presumed to be innocent, and that presumption abides with it unless and until the evidence shows you beyond a reasonable doubt that the defendant is guilty in the manner and form as charged.

Now, whether a medicine or an eradicator or lice killer will kill lice on chickens, or vermin on chickens, when applied in that way, is to a certain extent necessarily a matter of opinion. In so far as it is a matter of opinion the defendant may, under the law, express any opinion that he honestly holds. That is the law. He can not be found guilty of an offense in saying something that he believes, and has honest grounds to believe, is true. So if you find, and if it appears to you that this matter is one of those debatable matters upon which some men entertain one opinion and some men entertain

another opinion, one of those matters that is a matter of opinion, then you must acquit the defendant. It would only be in case that you find established here by this evidence beyond a reasonable doubt that the matter is not debatable and not a matter of opinion, but is a settled, fixed, and determined matter upon which to express an opinion or statement, to make a statement such as the defendant in this case makes in its shipment—because it admits the shipment here in interstate commerce, and it admits the directions given, and it admits the representation on the can—it would be only in case you find that those matters, so covered, are so well settled and so understood, that the statement to the effect that the insecticide is effective, is dishonest, and must be known to be such by the manufacturer, and you are so satisfied beyond a reasonable doubt, that you can convict the defendant. A man is entitled to hold his opinion on any matter that is fairly a matter of opinion. But if the evidence shows beyond a reasonable doubt to you that the question whether this insecticide will kill this vermin when used as directed, shown to you beyond a reasonable doubt that it is a settled matter and that the statement that it will kill them is a falsehood and known to be such by the people that make it, it is only in that kind of case that you could find the defendant guilty.

As to the defendant company engaged in the manufacture and selling of this preparation you may assume as a fact that it is, by reason of that occupation, in a superior position to know the truth about the statements, superior to some one who has no connection with the chicken business and with the use of insecticides. You may fairly assume that they are informed at least beyond the average person as to the effect of insecticides. You may assume that from their occupation. That would be a reasonable interference from the length of time they have been in the business, and it comes down to this, that it has to be made to appear to you beyond a reasonable doubt, to satisfy you beyond a reasonable doubt, that here is a matter upon which there can not be fair and honest differences of opinion, but that it is a settled matter and that the defendant is purposely lying about it when it says the stuff will be effective as an insecticide—only in that condition of the evidence, only when you are satisfied of that beyond a reasonable doubt, that you can find the defendant guilty. Anything short of that necessitates your finding a verdict of not guilty. But if you are satisfied beyond a reasonable doubt that it is a settled thing, well known, well known to the Lee Company, that the stuff will not work as defendant says it will, then defendant would come within the statute and should be found guilty.

You may retire and deliberate of your verdict.

On July 3, 1924, the jury returned a verdict of "not guilty."

W. M. JARDINE,
Secretary of Agriculture.

1053. Adulteration and misbranding of "Cloridine." U. S. v. Germa Manufacturing Co. Plea of guilty. Fine, \$375. (I. & F. No. 1390. Dom. No. 20439.)

On March 8, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Germa Manufacturing Co., trading at Los Angeles, Calif., alleging shipment by said company, in violation of the insecticide act of 1910, on or about April 15, 1925, from the State of California into the State of Arizona, of a quantity of "Cloridine," which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statements, to wit, "Phenol Co-Efficient 10 * * * Sodium Hypochlorite 3.38%, Sodium Chloride 4.28%, Inert Ingredients 92.34%," borne on the label affixed to the bottle containing the said article, represented that its standard and quality were such that it possessed a phenol coefficient of 10, and contained not less than 3.38 per cent of sodium hypochlorite, not less than 4.28 per cent of sodium chloride, and contained inert ingredients—i. e., substances that do not prevent, destroy, repel, or mitigate insects or fungi—in the proportion of not more than 92.34 per cent; whereas, the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it possessed a phenol coefficient of less than 10, it contained less than 3.38 per cent of sodium hypochlorite, less than 4.28 per cent of sodium chloride, and more than 92.34 per cent of inert ingredients.

Misbranding was alleged for the reason that the above-quoted statements borne on the bottle label were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article possessed a phenol coefficient of 10, and contained not less than 3.38 per cent of sodium hypochlorite, not less than 4.28 per cent of sodium chloride, and not more than 92.34 per cent of inert ingredients; whereas, the article possessed a phenol coefficient of less than 10, it contained less sodium hypochlorite, less sodium chloride, and more inert ingredients than so represented.

Misbranding was alleged for the further reason that the statements, to wit, "The coefficient is evidence of the strength of a disinfectant. Cloridine has a phenol coefficient of 10; that is, it has ten times the disinfectant power of pure carbolic acid crystals," borne on the bottle label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represent that the coefficient is evidence of the strength of a disinfectant against all germs and under all conditions, that the phenol coefficient of the article was 10, and that its disinfectant power was 10 times that of pure carbolic acid crystals; whereas, the coefficient is not evidence of the strength of a disinfectant against all germs and under all conditions, the phenol coefficient of the article was less than 10, and its disinfectant power was not 10 times that of pure carbolic acid crystals.

Misbranding was alleged for the further reason that the statements, to wit, "Some disease germs can be killed at once with a very high dilution. For instance, Typhoid or Colon Bacillus can be killed at a dilution of one gallon of Cloridine to 1000 gallons of water. But for safety, and to cover additional strength necessary by the possible presence of organic matter, a higher dilution than 1-250 is not recommended. * * * One ounce to a gallon is strong enough dilution for almost any purpose and is recommended as providing a margin of safety. Household Use. One to 125. For cleaning, disinfecting and deodorizing toilets, urinals, sinks, cellars, utensils, cupboards, closets, boxes, sick rooms, milk bottle and vessels, refrigerators—wash or spray. Spray is best for cracks and inaccessible places. Leave open pan in refrigerators. Hospitals and Sick Rooms. One to 125. Spray in atmosphere to purify and deodorize. For disinfecting and sterilizing instruments, bed pans, excreta, sputum, dishes, utensils, washing patients' bodies, hands of nurses and physicians, deodorizing and dressing wounds and open sores (not systematic). It may be used as a gargle or spray (5 drops to a glass of water * * *) Jails and Institutions. One to 125. Same directions as for household. * * * Morgues and Undertakers. One to 125. Spray Dead bodies to deodorize and handle and prevent contagion. Spray rooms and vaults to deodorize, and purify atmosphere. Poultry and Live Stock. * * * 1 to 125. After thorough cleaning, wash and spray coops, roosts, stalls, troughs, nests to * * * kill * * * bacteria. * * * One to 125. Wash and spray thoroughly. Use power sprayer. Wash and spray cuspidors, toilets, water coolers and ice boxes, berths, seats and closets. Will kill fly embryo. Leave open pan of solution in cold storage rooms. * * * Poultry and Live Stock. Whitewash. 1 to 125. * * * kill embryo lice and nits * * *," borne on the bottle label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would kill typhoid or colon bacillus at the dilution of 1 gallon of the article of 1,000 gallons of water, that it would be an effective germicide at the dilution of 1 to 250, in the presence of organic matter, that it would be an effective germicide under all conditions, at the dilution of 1 ounce to a gallon of water; that at the dilution of 1 to 125, it would disinfect, under all conditions, toilets, urinals, sinks, cellars, utensils, cupboards, closets, boxes, sick rooms, milk bottles, and vessels, and refrigerators, would purify the atmosphere in hospitals and sick rooms, would sterilize and disinfect, under all conditions, instruments, bed pans, excreta, sputum, dishes, utensils, patients' bodies and hands of nurses and physicians; would be an effective disinfectant as a gargle or spray; would be an effective disinfectant for jails and institutions under all conditions; would prevent contagion from all diseases, from dead bodies; would purify the atmosphere in rooms and vaults; would kill all bacteria in and on coops, roosts, stalls, troughs, and nests of poultry and livestock, and would be an effective remedy against fly embryos and against poultry lice and nits; whereas, the said

article, when used as directed, would not be effective for the purposes above represented.

On May 24, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$750 which was subsequently reduced to \$375.

W. M. JARDINE,
Secretary of Agriculture.

1054. Misbranding of "Zenoleum Liquid Louse-Killer." U. S. v. Albert H. Zenner. Plea of guilty. Fine, \$50. (I. & F. No. 1332. Dom. No. 19418.)

On October 29, 1925, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert H. Zenner, trading as the Zenner Products Co., and as the Zenner Disinfectant Co., at Detroit, Mich., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about August 1, 1923, from the State of Michigan into the State of Tennessee, of a quantity of "Zenoleum Liquid Louse-Killer," which was misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "For lice on fruit trees or for other purposes where vapor does the work, this article should be used full strength. * * * For Body Lice on Fowls.—Apply Zenoleum Liquid Louse Killer liberally on roosts an hour or so before chickens go to roost at night. To get a wide evaporating surface for killing body-lice, it is well to arrange a wide board directly under and close up to the roost. Apply Zenoleum Liquid Louse Killer to both board and roost. Setting Hens—See that hens are free from lice before setting. Keep nest-boxes and setting-room clean. Two days before hatching, place hen in a box with Zenoleum Liquid Louse Killer for an hour or two. If hen and chicks have lice, remove the hen and treat as above, then return to chicks. Confine young chicks with Zenoleum Liquid Louse Killer only for a short time and with plenty of ventilation. To Dilute Zenoleum Liquid Louse Killer—For killing lice and mites * * * For Hogs—Spray or sprinkle the floor of sleeping pen or bedding, or wrap an old gunny-sack about a rubbing-post and paint it once a week with Zenoleum Liquid Louse Killer. Sprinkle Zenoleum Liquid Louse Killer in troughs, swill barrels, etc., once a week, to kill parasites * * * Zenoleum Liquid Louse Killer is a positive preventive of * * * worms * * * For Sheep and Goats—Spray or sprinkle the bedding two or three times at intervals of a week. For Horses, Cattle, Calves, Etc., Sprinkle an old blanket and tie it over the animal for an hour or two. For Hogs—* * * Sprinkle Liquid Louse Killer in troughs, swill-barrels, etc., once a week, to kill * * * disease germs. Zenoleum Liquid Louse Killer is a positive preventative of disease. * * * Zenoleum Liquid Louse Killer is a positive preventive of cholera * * *," borne on the label, affixed to the can containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the said article could be used in such a way that its vapors would be effective against lice on fruit trees, that, when used as directed, it would be effective against body lice on fowls, against lice on sitting hens and chicks, against all types and varieties of mites; would be effective against lice on hogs, against all types and varieties of parasites, would be a positive preventative against worms, would be effective against lice on sheep and goats, and against lice on horses, cattle, calves, etc., would kill all disease germs and would be a positive preventative of diseases of hogs, and would be a positive preventative of cholera in hogs, whereas, the said article, when used as directed, would not be effective for the purposes so represented.

On June 4, 1926, the defendant entered a plea of guilty to the information and the court imposed a fine of \$50.

W. M. JARDINE,
Secretary of Agriculture.

1055. Misbranding of "Zenoleum Number One." U. S. v. Albert H. Zenner. Plea of guilty. Fine, \$50. (I. & F. No. 1323. Dom. No. 19416.)

On May 3, 1925, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information against Albert H. Zenner, trading as The Zenner Products Co., Detroit, Mich., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about August 1, 1923, from the State of Michigan into the State of Tennessee, of a quantity of "Zenoleum Number One," which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents, Eight Ounces, U. S. Standard at 4° C.", borne on the label affixed to the cans containing the said article, represented that each of said cans contained 8 ounces, U. S. Standard at 4° C.; whereas, the contents of each of the cans were not correctly stated on the labels, in that they contained less than so represented.

Misbranding was alleged for the further reason that the statements, to wit, "Roup—Wash head with 2% solution, removing all discharge. Continue treatment. Disinfect building. Vaporize Zenoleum and let birds breathe fumes. Put tablespoonful Zenoleum in drinking water. Chicken Pox—Wash body daily with 2% solution, until pustules are healed. In advanced cases where comb and wattles are badly affected, use full strength Zenoleum. Canker—Dissect out tumors. Apply undiluted Zenoleum with small swab. Disinfect premises thoroughly. * * * Lice and Skin Diseases on Cattle and Horses and Hogs—Make solution of one part Zenoleum to thirty parts of water. Apply with a stiff brush, a spray pump or sprinkler. Be sure to wash every part of the body and see that the coat is drenched to the skin. Repeat in eight days. * * * Mange (Ordinary) * * * Make solution of one quart Zenoleum to five gallons of water. Apply twice a day to sore parts and also healthy parts surrounding scurf of the skin, which may develop later on. In mild cases two washings will suffice, but in severe ones more are necessary. Apply with a stiff brush. * * * Ordinary Eczema—Wash skin with one part Zenoleum to thirty parts of water once a day. Keep skin perfectly clean * * * Hog Lice—Mix one pint of Zenoleum to a bucket of water; (this means one part of Zenoleum to thirty parts of water), and apply with a stiff brush, sprinkling can, or spray pump. Repeat in eight days. Wounds, Wire cuts, Galls, Sores—Wash daily with four tablespoonfuls of Zenoleum to one gallon of water. Scratches, Grease-Cracked Heels, * * * Wash three times each day with full strength Zenoleum. * * * Ordinary Mange on Dogs—Use six tablespoonfuls of Zenoleum to one gallon of water. Repeat in a week to reach development from eggs not killed in first washing." borne on the can label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would possess therapeutic value for the treatment of roup, chicken pox, and canker, would, with a single repetition, be an effective control of lice on cattle, horses, and hogs; would be effective in the treatment of all types and varieties of skin diseases on cattle, horses, and hogs, and in the treatment of all conditions known as ordinary mange and eczema on animals; would be an effective control for hog lice; would be effective for all types and varieties of wounds, wire cuts, galls, sores, scratches, grease heels, and cracked heels on animals; and would be effective for all types and varieties of ordinary mange on dogs; whereas, the said article, when used as directed, would not be effective for the purposes so represented.

On June 4, 1926, the defendant entered a plea of guilty to the information and the court imposed a fine of \$50.

W. M. JARDINE,
Secretary of Agriculture.

1056. Misbranding of "Harco Mange Remedy." U. S. v. Osmer J. Wand and John D. Schnellbacher (Harrison Chemical Co.). Pleas of nolo contendere. Fine, \$25 and costs. (I. & F. No. 1371. Dom. No. 20315.)

On October 13, 1925, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Osmer J. Wand and John D. Schnellbacher, trading as the Harrison Chemical Co., Quincy, Ill., alleging shipment by said defendants, in violation of the insecticide act of 1910, on or about July 19, 1924, from the State of Illinois into the State of Tennessee, of a quantity of "Harco Mange Remedy," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Harco Mange Remedy For Mange in Dogs * * * In case the affliction is eczema this remedy will be beneficial," borne on the cans and cartons containing the said article, and the statements, to wit, "Mange Harco Mange Remedy is the successful mange cure, particularly efficient in treating obstinate cases. * * * It comes guaranteed to cure any case of mange—an ordinary case in two applications. * * * treatment * * * Then apply Harco Mange Remedy to all the affected parts. Mange * * * treatment * * * If you are not positive that your dog has mange, we strongly advise giving our Harco Condition Pills, as directed for eczema together with our Harco Mange Remedy applied externally, then if the dog has eczema it will be cured more quickly. * * * Eczema * * * treatment * * * To help heal the sores and restore the hair apply Harco Mange Remedy externally as directed for mange," borne on the circulars inclosed with the said cans, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy for all types and varieties of mange in dogs and would be beneficial for all types and varieties of eczema on dogs; would be effective as a cure for all types and varieties and all cases of mange in dogs; would be an aid in the treatment of all types and varieties of eczema, would aid in healing all types and varieties of sores, and would restore the hair on dogs; whereas, the said article, when used as directed, would not be effective for the said purposes.

On December 7, 1925, the defendants entered pleas of nolo contendere to the information and the court imposed a fine of \$25 and costs.

W. M. JARDINE,
Secretary of Agriculture.

1057. Misbranding of "Lime and Sulphur Solution." U. S. v. Devoe & Raynolds Co., Inc. Plea of guilty. Fine, \$75. (I. & F. No. 1385. Dom. Nos. 19698, 20474.)

On March 31, 1926, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Devoe & Raynolds Co., Inc., a corporation, trading at Kansas City, Mo., alleging shipment by said company, in violation of the insecticide act of 1910, on or about February 16, 1924, from the State of Missouri into the State of Arkansas, and on or about April 11, 1925, from the State of Missouri into the State of Texas, of quantities of "Lime and Sulphur Solution," which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding was alleged in the information with respect to the product consigned February 16, 1924 into Arkansas, for the reason that the statements, to wit, "Guaranteed to Test 33 Degrees *Beaume* 33 * * * Calcium polysulphid, 28.0%," borne on the label of the cans containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the Baumé test of the article was 33° and that it contained not less than 28 per cent of calcium polysulphid; whereas, the Baumé test of the said article was less than 33, and it contained less than 28 per cent of calcium polysulphide.

Misbranding was alleged with respect to both consignments of the product for the reason that the statement, "Gallon," borne on each of the cans containing the article, represented that the contents of each of the cans were, in terms of measure, 1 gallon of the article; whereas, the contents of the said cans were not correctly stated on the outside thereof, in that they each contained less than 1 gallon of the said article.

On May 7, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$75.

W. M. JARDINE,
Secretary of Agriculture.

1058. Misbranding of "Rid-O-Pest." U. S. v. Frederick A. Durrant and Waldo E. Tyler (Rid-O-Pest Chemical Co.). Pleas of guilty. Fines, \$200. (I. & F. No. 1391. Dom. No. 20014.)

On March 31, 1926, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against

Frederick A. Durrant and Waldo E. Tyler, a partnership, trading as the Rid-O-Pest Chemical Co., Kansas City, Mo., alleging shipment by said defendants, in violation of the insecticide act of 1910, on or about November 6, 1924, from the State of Missouri into the State of Michigan, of a quantity of "Rid-O-Pest," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Rid-O-Pest," borne on each of the packages containing the article, the statements, "Try Rid-O-Pest on my guarantee. If, at the end of 10 days, your flock is not free from lice * * *", borne on an order card accompanying the said article, and the statements, "Lice, Mites, Chiggers and Fleas have robbed you of hundreds of dollars in the past—but from now on you should have nothing to worry about. The use of Rid-O-Pest is simplicity itself. Merely drop a tablet in each quart of drinking water * * * in a few days, according to users, the lice and mites seem to disappear as though by magic," borne on an accompanying circular letter, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against all pests of poultry; would be an effective remedy against lice and all other pests that infest poultry; and would be an effective remedy against lice, mites, chiggers, and fleas; whereas the said article, when used as directed, would not be effective for the said purposes.

Misbranding was alleged for the further reason that the article consisted completely of inert substances—that is to say, substances that do not prevent, destroy, repel, or mitigate insects—and that name and the percentage amount of each and every one of the said inert substance so present therein were not plainly and correctly on the label affixed to each of the packages containing the article.

On May 13, 1926, the defendants entered pleas of guilty to the information and the court imposed fines aggregating \$200.

W. M. JARDINE,
Secretary of Agriculture.

1059. Misbranding of "H-G Louse Powder." U. S. v. Clifford V. Haver and Edw. K. Glover, Trustees of the Haver-Glover Laboratories. Pleas of guilty. Fine, \$75. (I. & F. No. 1375. Dom. No. 19323.)

On March 31, 1926, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against Clifford V. Haver and Edw. K. Glover, trustees of the Haver-Glover Laboratories, Kansas City, Mo., alleging shipment by said defendants, in violation of the insecticide act of 1910, on or about February 22, 1924, from the State of Missouri into the State of Illinois, of a quantity of "H-G Louse Powder," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Naphthalene 4.29%, * * * Directions: For the destruction of lice on horses and mules * * * H-G Louse Powder * * * An efficacious agent for destruction of lice and fleas on all animals * * * In treating toy dogs or puppies and cats, the powder should be removed with a brush fifteen or twenty minutes after application, to prevent possibility of toxic disturbance in these very susceptible animals. Repetition of the treatment may be made at forty-eight hour intervals until all vermin have been destroyed. Usually three or four applications suffice." and "Birds that are treated should receive repeated applications of a comparatively small amount of powder. Enough powder ought to be used to cover lightly the surface of the body, by throwing the powder against the tips of the feathers," borne on the label affixed to the carton containing the said article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the said article contained not less than 4.29% of naphthalene, and that, when used as directed, it would be effective against lice on horses and mules, against lice and fleas on all animals, and against all vermin infesting dogs; and would be effective against lice and fleas on birds; whereas, it contained less than 4.29 per cent of naphthalene, and, when used as directed, would not be effective for the said purpose.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, substances other than

pyrethrum, sulphur, nicotine, oil of cedar, and naphthalene—that is to say, substances that do not prevent, destroy, repel, or mitigate insects—and the name and percentage amount of each and every one of the said inert substances or ingredients so present therein were not stated plainly and correctly on the label affixed to the said carton; nor, in lieu thereof, were the names and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the label of the said carton or on the label of the packages containing the article.

On May 13, 1926, the defendants entered pleas of guilty to the information and the court imposed a fine of \$75.

W. M. JARDINE,
Secretary of Agriculture.

1060. Misbranding of "Sentry Anti-Moth Discs." U. S. v. Sentry Products Co. Plea of nolo contendere. Fine, \$25. (I. & F. No. 1373. Dom. No. 19779.)

On September 23, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sentry Products Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the insecticide act of 1910, on or about May 15, 1924, from the State of Massachusetts into the District of Columbia, of a quantity of "Sentry Anti-Moth Discs," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Sentry anti-Moth Container A simple, effective device for killing moths and moth grubs. * * * The Anti-Moth Discs in this container slowly evaporate when exposed to the air. The gas thus formed is harmless, but penetrates every fold or crevice and positively kills moths and grubs." borne on the cartons containing the article, and the statements, to wit, "Most moth preparations do not kill both moths and worms. The Sentry Anti-Moth Disks kill every form of moth life. Their vapors penetrate into every fold of a garment or crevice of a closet where moth life may be concealed, yet vanish completely after materials are exposed to free air for a few moments," and "The Sentry Anti-Moth Container is the result of years of research and experimentation to produce an infallible Moth Protection Service in a convenient, practical form, which would lie within the purchasing power of every householder. * * * Sentry Anti-Moth Containers hung in your closets offer the most convenient, yet scientifically certain method of protecting your valuable materials from the ravages of that prevalent and persistent household nuisance—the moth. Anti-Moth, the disk which fills this Container, is a highly concentrated gas, in crystalline disk form. It slowly evaporates into the air, forming a gas heavier than the normal atmosphere. This gas sinks to the floor of the closet or room in which the Container is hung, then works upward in its fumigating process until every fold, garment, or crevice is penetrated, and every moth and moth grub is killed. * * * 'To think that anything so pleasant smelling and harmless can be such an absolutely dependable moth killer.' * * * My Sentry Anti-Moth Container saves me hours of brushing, airing, and needless folding of clothes. Now I simply hang them in my closet with the container—and they're safe. * * * What a convenience to have my fur coat always on hand for sudden cold spells, yet know it is protected from moths," borne on certain circulars accompanying the article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective remedy against moths and moth grubs, and would kill moths and moth grubs under all conditions; would kill every form of moth life, and would be an effective remedy and protection against moths and moth grubs; whereas, the article, when used as directed, would not be effective for the said purposes.

On May 19, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. M. JARDINE,
Secretary of Agriculture.

1061. Adulteration and misbranding of "Nichol's Ant Powder." U. S. v. Charles H. Nichols, Helen Nichols, and Malvin Sidenberg. Plea of guilty. Fine, \$25. (I. & F. No. 1356. Dom. No. 19799.)

On September 12, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles H. Nichols, Helen Nichols, and Malvin Sidenberg, trustees, trading under the firm name of the Charles H. Nichols Co., a common law trust, Chicago, Ill., alleging shipment by said defendants, in violation of the insecticide act of 1910, on or about May 1, 1924, from the State of Illinois into the State of Ohio, of a quantity of "Nichol's Ant Powder," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statements, to wit, "Antimo Dichlor .8% * * * Inert Ingredients 14.2%," borne on the labels affixed to the cans containing the said article, represented that its standard and quality were such that it contained 0.8 of 1 per cent of dichlorobenzene, and contained inert ingredients—i. e., substances that do not prevent, destroy, repel, or mitigate insects, to wit, ants—in the proportion of not more than 14.2 per cent; whereas, its strength and purity fell below the professed standard and quality under which it was sold, in that that it contained no dichlorobenzene, and contained more than 14.2 per cent of inert ingredients.

Misbranding was alleged for the reason that the statements, to wit, "Antimot Dichlor .8% * * * Inert Ingredients 14.2%," borne on the said labels, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained not less than 0.8 of 1 per cent of dichlorobenzene, and contained not more than 14.2 per cent of inert ingredients; whereas, the said article contained no dichlorobenzene and contained more than 14.2 per cent of inert ingredients.

Misbranding was alleged for the further reason that the statement, "Copperas 25%," contained in the list of active ingredients of the article, borne on the label, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, in that the statement so set forth in the list of active ingredients represented that copperas was and is an active ingredient—that is to say, that it was and is effective in preventing, destroying, repelling, or mitigating insects, to wit, ants; whereas, in fact and in truth, it was not and is not effective in preventing, destroying, repelling, or mitigating ants.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, substances other than sodium fluoride, and the name and percentage amount of each and every one of the said inert substances or ingredients so present therein were not stated plainly and correctly on the label affixed on the can containing the said article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said label.

On April 22, 1926, pleas of guilty to the information were entered on behalf of the defendant company and the court imposed a fine of \$25.

W. M. JARDINE,
Secretary of Agriculture.

1062. Misbranding of "Heger's Antiseptic Wash." U. S. v. William F. Heger and Robert H. Heger. Pleas of guilty. Fines, \$25. (I. & F. No. 1345. Dom. No. 19350.)

On December 5, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William F. Heger and Robert H. Heger, trading as partners under the firm name of The Heger Products Co., St. Paul, Minn., alleging shipment by said defendants, in violation of the insecticide act of 1910, on or about April 9, 1924, from the State of Minnesota into the State of Michigan, of a quantity of "Heger's Antiseptic Wash," which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, "Heger's Antiseptic Wash for Cats," and "A powerful antispetic, deodorant, germicide and disinfectant," borne on the packages containing the article, and the statements, to wit, "A powerful anti-

septic, germicide, deodorant, disinfectant * * * A non-poisonous germicide * * *," borne on each of the circulars accompanying the said article, were false and misleading, and by reason of the said statements, the said article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would act as an antiseptic, and would act as a germicide, disinfectant and antiseptic, and would act as a powerful deodorant; whereas, the said article, when used as directed, would not be effective for the said purposes.

Misbranding was alleged for the further reason that the article consisted partially of inert substances, to wit, substances other than 8-oxyquinoline sulphate—that is to say, substances that do not prevent, destroy, repel, or mitigate insects or fungi—and the name and percentage amount of each and every one of the said inert substances or ingredients so present therein were not stated plainly and correctly, or at all, on the label affixed to the packages containing the article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the said article having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly, or at all, on the said label.

On December 12, 1925, the defendants entered pleas of guilty to the information and the court imposed fines aggregating \$25.

W. M. JARDINE,
Secretary of Agriculture.

1063. Misbranding of "Fidelity Lice Ointment." U. S. v. Fidelity Supply Co. Plea of guilty. Fine, \$50. (I. & F. No. 1392. Dom. No. 19307.)

On February 3, 1926, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Fidelity Supply Co., a corporation, trading at Oklahoma City, Okla., alleging shipment by said company, in violation of the insecticide act of 1910, on or about December 13, 1923, from the State of Oklahoma into the State of Michigan, of a quantity of "Fidelity Lice Ointment," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Fidelity Lice Ointment for body lice * * * on fowls. * * * For body lice apply the ointment sparingly immediately around the vent." borne on the labels affixed to the cans containing the said article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective remedy against body lice on fowls; whereas, in fact and in truth, it was not.

On March 5, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. M. JARDINE,
Secretary of Agriculture.

1064. Adulteration and misbranding of "Fumi-Tact." U. S. v. Jonson Eureka Combination Spray Co. Plea of guilty. Fine, \$10. (I. & F. No. 1394. Dom. No. 19263.)

On February 23, 1926, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Jonson Eureka Combination Spray Co., a corporation, Yakima, Wash., alleging shipment by said company, in violation of the insecticide act of 1910, on or about July 11, 1923, from the State of Washington into the State of Oregon, of a quantity of "Fumi-tact," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statements, to wit, "Nicotine Sulphate 45.00% Cyanide of Sodium 12.38%, Creosote 22.28%, inert ingredients 20.34%," borne on the labels affixed to the cans containing the said article, represented that its standard and quality were such that it contained not less than 45 per cent of nicotine sulphate, not less than 12.38 per cent of cyanide of sodium, not less than 22.28 per cent of creosote, and not more than 20.34 per cent of inert ingredients—i. e., substances that do not prevent, destroy, repel, or mitigate insects; whereas, the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less nicotine sulphate.

less cyanide of sodium, less creosote, and more inert ingredients than so represented.

Misbranding was alleged for the reason that the above-quoted statements borne on the labels were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained not less than 45 per cent of nicotine sulphate, not less than 12.38 per cent of cyanide of sodium, not less than 22.28 per cent of creosote, and not more than 20.34 per cent of inert ingredients; whereas, the said article contained less nicotine sulphate, less cyanide of sodium, less creosote, and more inert ingredients than so represented.

Misbranding was alleged for the further reason that the statements, to wit, "A spray for sucking and chewing insects, such as * * * Red Spider, Leaf Roller * * * also very effective against Coddling Moth," were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against red spiders, leaf rollers, codling moths, and all other sucking and chewing insects; whereas, in fact and in truth, it would not.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, substances other than nicotine, sodium cyanide, and coal tar neutral oils—that is to say, substances that do not prevent, destroy, repel, or mitigate insects—and the name and percentage amount of each and every one of the said inert substances or ingredients so present therein were not stated plainly and correctly on each or any label borne on or affixed to the cans containing the article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the said article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein, stated plainly and correctly on each of any or the said labels.

On March 16, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$10.

W. M. JARDINE,
Secretary of Agriculture.

1065. Adulteration and misbranding of "Beetol Spra." U. S. v. Max Livingston, jr., and Herman Livingston. Pleas of nolo contendere. Fines, \$200. (I. & F. No. 1381. Dom. No. 19818.)

On January 18, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Max Livingston, jr., and Herman Livingston, trading as Livingston Brothers, Philadelphia, Pa., alleging shipment by said defendants, in violation of the insecticide act of 1910, on or about August 22, 1924, from the State of Pennsylvania into the State of New York, of a quantity of "Beetol Spra," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that it was intended for use on vegetation, and when used upon certain vegetation as directed on the label it would be injurious thereto.

Misbranding was alleged for the reason that the statements, to wit, "Will not injure flowers or plants when properly diluted, * * * Beetol Spra * * * Japanese Beetles and Rose Bugs * * * Beetol Spra acts as a repellant, Spray thoroughly all the leaves, flowers and fruits. Spray often as new broods are constantly being hatched. Made especially for use Against Japanese Beetles Rose Bugs * * * Beetol Spra * * * Japanese Beetles and Rose Bugs, * * * Beetol Spra Was especially made to combat the ravages of the Japanese Beetle and Rose Bugs. Always dilute with water, using as strong a solution as possible, without injury to foliage. On old foliage, use a dilution, 1 part Beetol Spra to 25 parts water. On young and tender foliage in early spring use at dilution, 1 part Beetol Spra to 30 or 35 parts water. Spray Copiously," borne on the labels affixed to the cans containing the article, and the statements, to wit, "Save your Beautiful Flowers, Fruits and Plants from the ravages of the Japanese Beetle, Rose Bugs and Plant Lice. Beetol Spra was especially compounded to destroy these insects. * * * Kills by Contact. When sprayed on the insect the special oils penetrate through the tissues of the back, clogging their breathing tubes, causing suffocation. Acts as a Repellant. Plant and trees sprayed with Beetol Spra are free of Beetles, Plant Lice and Rose Bugs, even though surrounding Bushes are heavily infested.

* * * At Mitchel's See and Flower Gardens Located at Andalusia, Penna. Beetol Spra was used this past summer on delicate plants and flowers without Burning or injuring the leaves or Blooms, and the plants sprayed were free of insects, although located in the Japanese Beetle infested section, * * * Experiment at Oak Lane, Pa. A group of Rose Bushes in bloom were chosen for this experiment. All were infested with Japanese Beetles. The center bush was selected and thoroughly sprayed and the balance left unsprayed. On inspection the following morning it was noticed that the bush which had been sprayed showed no signs of Beetles and remained clean for some days later, and on the ground quite a number of dead beetles were found. Unsprayed Bushes Were Full of Beetles. * * * Application. When diluted in the proportion of 1 part Beetol Spra to 35 parts water, in addition to killing the Japanese beetle, Rose Bug and Plant Lice, the following pests can be exterminated: Red Bugs, Red Spider, Slugs, Grape Hopper, * * * Beetol Spra has a Pleasant Odor When Sprayed on Leaves, Fruits or Flowers. Positively does not Injure, Blemish, or Leave a White Residue," borne on the accompanying circulars, were false and misleading, and by reason of the said statements, the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would not injure flowers or plant; would be an effective remedy against the Japanese beetle and rose bugs; could be safely so used on the foliage of all plants; would keep plants and trees free from all beetles and rose bugs; would exterminate red bugs, red spiders, slugs, and grape hoppers; and would not injure the plants on which it was so used; whereas, the said article, when used as directed, would injure certain flowers and plants, it would not be an effective remedy against the Japanese beetle and rose bugs, it could not be safely so used on the foliage of all plants, but such use would be injurious to the foliage of certain plants, it would not keep plants and trees free from all beetles and rose bugs, and it would not exterminate red bugs, red spiders, slugs, and grape hoppers.

On April 1, 1926, pleas of nolo contendere to the information were entered by the defendants, and the court imposed fines aggregating \$200.

W. M. JARDINE,
Secretary of Agriculture.

1066. Misbranding of "Ridme." U. S. v. 1 Gross Bottles of "Ridme." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1355. S. No. 164.)

On May 27, 1925, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 gross bottles of "Ridme." It was alleged in the libel that the article had been shipped on or about January 1, 1925, by the Ridme Chemical Co., Parsons, Kans., from the State of Kansas into the State of Texas, and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Ridme" * * * Directions—Use ten drops in each gallon of your poultry's drinking water for 4 days in each two weeks. Better results are obtained by constant use, rids your poultry of Blue Bugs, Lice, Mites, Stick-tights and Fleas, prevents sore head. Positive tonic and blood purifier, also increases egg production. Does not taint flesh or eggs," borne on the labels affixed to the bottles containing the said article, together with the statements, to wit, "To use Ridme Means more birds raised, better healthier flocks and keeps them all free from sore head, and blood-sucking insects. * * * Your Ridme Lice Remover certainly does do the work you agree it will, for I made personal inspection of the poultry you treated at the Waco Cotton Palace, and after you had given them Ridme for five dtys, both chickens and turkeys were free from all Lice, Stick-tight, Fleas and Bluebugs. Their physical condition was better and their combs were brighter, and I will certainly recommend it to all Poultry Breeders as the best remedy I have ever seen tested for ridding the poultry of vermin * * * We wish to recommend Ridme to any one for ridding chickens of vermin. * * * We have found Ridme to be one of the best remedies that we have ever used, it will positively remove intestinal worms of all descriptions, as well as free the body from all vermin of any kind. * * * Ridme is a blood purifier and tonic, expels all intestinal worms from both poultry and hogs. * * * Ridme * * * it will positively remove intestinal worms of all de-

scriptions, as well as free the body from all vermin of any kind * * * Ridme * * * it is a splendid remedy for roup, colds, limberneck, gape-worms * * * We first used Ridme on a flock of 600 pullets that had been badly neglected, with the results that they had become badly infected with * * * intestinal worms and roup * * * After using Ridme according to your instructions, we were getting a 35% egg yield in less than six weeks * * * It is our firm conviction that the general use of Ridme will revolutionize the poultry industry * * * Rid your flock of intestinal worms * * * use this formula for conditioning birds and ridding them of intestinal worms * * * Your Turkeys also Need Proper and Careful Attention to keep them growing and healthy, free from disease and intestinal worms * * * To use Ridme means more birds raised, better healthier flocks and keeps them all free from sore head * * * Ridme when used as directed, in your Poultry's drinking water and mash feed will help to prevent bad colds and Roup. To condition hogs use Ridme * * * This will rid your hogs of intestinal worms and put them in a condition to receive the benefit of all feed fed for fattening," borne on the circulars shipped with the said bottles, were false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against blue bugs, lice, mites, sticktight and fleas that infest or attack poultry and would prevent sore head in poultry; would be an effective remedy against all blood-sucking insects and against all vermin that infest or attack poultry; would act as a blood purifier and tonic in all cases and would expel all types and varieties of intestinal worms from poultry and hogs; would remove intestinal worms of all descriptions from poultry and would keep the body free from all types and varieties of vermin; would be a splendid remedy for roup, colds, limberneck and gapeworms; would be efficacious against intestinal worms and roup in pullets; would be efficacious in conditioning fowls under all conditions and in ridding them of all types and varieties of intestinal worms; would mean more birds raised, better and healthier flocks and would keep the fowls all free from sore head; would prevent bad colds and roup in poultry; and would rid hogs of all types and varieties of intestinal worms; whereas, the said article, when used as directed, would not be effective for the said purposes.

On January 5, 1926, no claimant having appeared for the property, judgment by default was entered, and subsequently, during February, 1926, a corrected judgment was entered ordering that the product be condemned and destroyed by the United States marshal.

W. M. JARDINE,
Secretary of Agriculture.

1067. Misbranding of "Emmett's Tonic Powder." U. S. v. I. L. Lyons & Co., Ltd. Plea of guilty. Fine, \$50. (I. & F. No. 1396. Dom. No. 19420.)

On March 2, 1926, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against I. L. Lyons & Co., Ltd., a corporation, New Orleans, La., alleging shipment by said company, in violation of the insecticide act of 1910, on or about July 26, 1923, from the State of Louisiana into the State of Tennessee, of a quantity of "Emmett's Tonic Powder," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "For Horses, mares, mules, colts, hogs and cattle Guaranteed to eradicate worms and bots. Will * * * improve low conditions and is a preventative against disease," borne on the labels affixed to the bottles containing the said article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would eradicate worms and bots from horses, mares, mules, colts, hogs, and cattle; and would improve low conditions and be a preventative against disease, in horses, mares, mules, colts, hogs, and cattle; whereas, the article, when used as directed, would not be effective for the said purposes.

Misbranding was alleged for the reason that the article contained arsenic, and the total amount of arsenic so present therein, expressed as per centum of metallic arsenic, was not stated on the labels affixed to the bottles containing the article, and in that it contained arsenic in water-soluble form, and

the amount of water-soluble arsenic so present therein, expressed as per centum of metallic arsenic, was not stated on the said labels.

Misbranding was alleged for the further reason that the article consisted completely of substances, which when used and applied as intended and directed, were and are inert substances—that is to say, substances that do not prevent, destroy, repel, or mitigate insects, to wit, bots in horses, mares, mules, colts, hogs, and cattle, when used as intended and directed—and the name and percentage amount of each and every one of the said inert substances or ingredients so present therein were not stated plainly and correctly on the labels.

On June 1, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. M. JARDINE,
Secretary of Agriculture.

1068. Adulteration and misbranding of "Nox-A-Mite." U. S. v. Nox-A-Mite Mfg. Co. Plea of guilty. Fine, \$25 and costs. (I. & F. No. 1352. Dom. No. 20151.)

On September 12, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against the Nox-A-Mite Mfg. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the insecticide act of 1910, on or about July 23, 1924, from the State of Illinois into the State of Oregon, of a quantity of "Nox-A-Mite," which was an adulterated and misbranded insecticide and fungicide, within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that the statements, to wit, "Active Ingredients. * * * Not Less than 31%, Inert Matter * * * Less Than 69%," borne on the labels affixed to the bags containing the article and on each of the accompanying circulars, represented that its standard and quality were such that it contained active ingredients—i. e., substances that prevent, destroy, repel, or mitigate insects or fungi—in the proportion of not less than 31 per cent, and contained inert matter—i. e., substances that do not prevent, destroy, repel, or mitigate insects or fungi—in the proportion of not more than 69 per cent; whereas, the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 31 per cent of active ingredients, and more than 69 per cent of inert matter.

Misbranding was alleged for the reason that the statements, to wit, "Active Ingredients * * * Not Less than 31%, Inert Matter * * * Less Than 69%," borne on the said labels and circulars, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, contained active ingredients in the proportion of not less than 31 per cent and contained inert matter in the proportion of not more than 69 per cent; whereas, the said article contained less active ingredients, and more inert matter than so represented.

Misbranding was alleged for the further reason that the statements, to wit, "* * * to prevent the spread of contagious diseases that affect fowls, animals, and humans, * * * Nox-A-Mite A powerful Disinfectant and Vermin Destroyer, * * * To Kill Mites, Lice Nits, Fly Eggs * * *," borne on the labels of the said bags, together with the statements, "Directions For Mixing Nox-A-Mite * * * Nox-A-Mite can also be used in the Powder form by sprinkling it on the hens and chicks, also in the Hens' Nests," borne on the said circulars, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would prevent the spread of contagious diseases that affect fowls, animals, and humans; would be an effective remedy against mites and all vermin, and against lice, nits, and fly eggs; whereas, the said article, when used as directed, would not be effective for the said purposes.

Misbranding was alleged for the further reason that the article consisted partially of inert substance or ingredients, to wit, substances other than calcium hydrate, phenols, coal tar neutral oils, and soap. that is to say, substances that do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of each and every one of the said inert substances or ingredients so present therein were not stated plainly and correctly on each or any label borne on or affixed to the bags containing the article; nor, in

lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients so present in the article stated plainly and correctly on each or any label affixed to the said bags.

On July 2, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

W. M. JARDINE,
Secretary of Agriculture.

1069. Adulteration and misbranding of "Potassium Cyanide," and "Cyanide Chloride Mixture," U. S. v. Philip M. Caul & Co. Plea of nolo contendere. Fine, \$25 and costs. (I. & F. No. 1374. Dom. Nos. 19823, 19824.)

On October 23, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Philip M. Caul & Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the insecticide act of 1910, on or about January 25, 1924, from the State of Ohio into the State of Pennsylvania, of a quantity of "Potassium Cyanide," and of a quantity of "Cyanide Chloride Mixture," which were adulterated and misbranded insecticides within the meaning of said act.

Adulteration of the potassium cyanide was alleged in the information for the reason that the statements, to wit, "Potassium Cyanide KcN 95.94," borne on the labels affixed to the tins containing the article, represented that its standard and quality were such that it consisted of potassium cyanide KcN 95.94; whereas, the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained no potassium cyanide. Adulteration of the potassium cyanide was alleged for the further reason that other substances, to wit, sodium cyanide, sodium carbonate, and potassium chloride, had been substituted for the said article.

Misbranding was alleged with respect to the said potassium cyanide for the reason that the statement, to wit, "Potassium Cyanide KcN 95.94," borne on the labels, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article consisted of potassium cyanide, KcN 95.94; whereas it did not, but did consist of sodium cyanide, sodium carbonate, and potassium chloride.

Adulteration of the cyanide chloride mixture was alleged for the reason that the statement, to wit, "Cyanide Chloride Mixture, 73-76," borne on the labels affixed to the tins containing the article, represented that its standard and quality were such that it contained cyanogen equivalent to 73 to 76 per cent of potassium cyanide or equivalent to 73 to 76 per cent of sodium cyanide; whereas, its strength and purity fell below the professed standard and quality under which it was sold, in that it did not contain cyanogen equivalent to 73 to 76 per cent of potassium cyanide or equivalent to 73 to 76 per cent of sodium cyanide, but did contain less cyanogen than so represented. Adulteration of the said cyanide chloride mixture was alleged for the reason that other substances, to wit, sodium chloride, had been substituted in part for the article, to wit, cyanide chloride mixture containing cyanogen equivalent to 73 to 76 per cent of potassium cyanide or equivalent to 73 to 76 per cent of sodium cyanide.

Misbranding of the said cyanide chloride mixture was alleged for the reason that the statement, to wit, "Cyanide Chloride Mixture, 73-76%," borne on the labels, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, in that it represented that the article contained cyanogen equivalent to 73 to 76 per cent of potassium cyanide or equivalent to 73 to 76 per cent of sodium cyanide; whereas, it contained cyanogen equivalent to less than 73 per cent of potassium cyanide and less than 73 per cent of sodium cyanide.

Misbranding was alleged with respect to both products in that they consisted partially of inert substances—that is to say, substances that do not prevent, destroy, repel, or mitigate insects—and the name and percentage amount of each and every one of the inert substances or ingredients so present therein were not stated plainly and correctly on the labels affixed to each of the tins containing the respective articles; nor, in lieu thereof, were the name and percentage amount of each and every substance or in-

redient of the articles having insecticidal properties, and the total percentages of the inert substances or ingredients so present therein stated plainly and correctly on the said labels.

On June 11, 1926, a plea of *nolo contendere* to the information was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

W. M. JARDINE,
Secretary of Agriculture.

1070. Misbranding of "Licemist." U. S. v. A. Otis Arnold. Plea of *nolo contendere*. Fine, \$1 and costs. (I. & F. No. 1330. Dom. No. 18911.)

On April 13, 1925, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against A. Otis Arnold, trading as the American Supply Co., Quincy, Ill., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about September 17, 1923, from the State of Illinois into the State of New Jersey, of a quantity of "Licemist," which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Licemist," borne on the labels affixed to the bottles containing the article, and the statements, to wit, "Licemist Kills Lice * * * Licemist is a liquid Lice and Mite Exterminator compounded from some of the most powerful ingredients for this purpose known to science. It readily vaporizes and the vapors, which are much heavier than air, descend outward and downward filling the whole premises. * * * It does not matter what preparation you expect to use for destroying the Lice and Mites, the first thing to do is to see that the house is thoroughly clean, although Licemist will produce surprising results without even doing this. * * * Where the house can not be conveniently closed, mix the whole bottle of Licemist with a half gallon of kerosene and spray this mixture as directed above at intervals of three days. Keep mixture in receptacle tightly closed when not using. * * * These vapors penetrate the feathers on the fowl, cracks, and crevices everywhere, and quickly destroy lice, Mites, Chiggers, Bedbugs, and other insects that have no lungs, but breath through the pores of the body. Lice will not stay in the presence of Licemist. Licemist is easy to use and a most effective preparation for destroying Lice and Mites on Chickens, but to get best results it must be used intelligently. Advertised directions say: 'Simply put a few drops in the nests and on the roosts and hang uncorked bottle in coop or henhouse.' We absolutely guarantee that Licemist will succeed when used according to these directions in poultry houses that can be tightly closed and are clean. The vapors must be retained in the house long enough to penetrate thoroughly every part of it. If properly carried out this application will rid the place of Lice, Mites and other pore-breathing insects. * * * When treating a poultry house to kill the Lice and Mites always leave an opening at the bottom somewhere so the fowls can get in and out. Licemist vapors strong enough to kill vermin will not harm the chickens nor soil the feathers. * * * One thorough application will get rid of Mites, etc. and it will be some time before they return.", borne on the large circular shipped with the said article, and the statements, to wit, "The sure way to keep lice and mites away all of the time is to buy Licemist by the gallon. Many do this. They sprinkle some about the hen house each Saturday morning. Then pour a little in two or three old tin cans or teacups and set over the nests and roosts. This ends all mite and lice troubles.", borne on the small circular shipped with the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective remedy against lice; would be an effective remedy against, and would exterminate, lice and mites; would be an effective remedy against chicken lice and mites; would be an effective remedy against lice, mites, chiggers, bedbugs, all other vermin, and all other pore-breathing insects, or insects having no lungs, and that lice would not stay in the presence of "Licemist;" would be an effective remedy against mites and all other insects that might be included under the abbreviation "etc."; whereas, the said article, when used as directed, would not be effective for the purposes so represented.

On June 28, 1926, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$1 and costs.

W. M. JARDINE,
Secretary of Agriculture.

1071. Misbranding of "Peterman's Prosan." U. S. v. William Peterman, Inc. Plea of non vult. Fine, \$5. (I. & F. No. 1162. Dom. No. 16883.)

On December 12, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against William Peterman, Inc., a corporation, Passaic, N. J., alleging shipment by said company, in violation of the insecticide act of 1910, on or about August 18, 1921, from the State of New Jersey into the State of New York, of a quantity of "Peterman's Prosan," which was a misbranded insecticide and fungicide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "In the Household Prevents spread of disease and germs. Destroys the cause of odor. * * * Prevents development of vermin and insects," borne on the cartons containing the article, and the statements, to wit, "Pour a little Prosan directly into * * * stagnant pools * * * to disinfect them. * * * For Stables and Kennels. 1 teaspoonful of Prosan to a pint of water for spraying walls, mangers, etc. * * * Fleas on horses and dogs," borne on the cartons and bottles containing the article, together with certain statements contained in a booklet inclosed in the said cartons were false and misleading and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the article, when used as directed, would prevent the spread of all diseases and of all kinds of germs, would destroy the cause of all odors, and would be effective in preventing the development of all vermin and all insects; would disinfect stagnant pools and would be effective against fleas that infest or attack horses and dogs; would neutralize all bad odors of bedroom vessels and slop bowls; would kill all germs and all odors of cesspools and would be effective against flies; would disinfect toilets and sinks; would neutralize all foul odors in toilets and water closets; would be effective against all infectious diseases; would be effective in case of all insect bites; would destroy the cause of all bad odors; would prevent the spread of infection from tuberculosis and prevent the patient from reinfecting himself; would be effective against all ulcers and all running sores; would keep away all diseases of poultry and would be effective against chicken lice; would be effective against fleas, ants, bedbugs, cockroaches, moths, lice and scaly legs on chickens; would kill the eggs of flies and serve as a repellant against flies; would keep walls free from all parasites, all flies and all other insects; would be effective in the treatment of all types and varieties of mange and other skin diseases on dogs and other animals, and would prove most beneficial in the treatment of horses for all types and varieties of worms, whereas, the said article, when used as directed, would not be effective for the said purposes.

On March 22, 1926, a plea of non vult was entered on behalf of the defendant company and the court imposed a fine of \$5.

W. M. JARDINE,
Secretary of Agriculture.

1072. Misbranding of "2 in 1 Lice and Mite Remover." U. S. v. 12 Dozen and 5 Dozen Bottles of "2 in 1 Lice and Mite Remover." Default decrees of condemnation, forfeiture, and destruction. (I. & F. Nos. 1326, 1341. S. Nos. 161, 162.)

On February 16 and March 11, 1925, respectively, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture filed in the District Court of the United States for said district two libels praying seizure and condemnation of 17 dozen bottles of "2 in 1 Lice and Mite Remover." It was alleged in the libels that the article had been shipped by The 2 in 1 Poultry Supply Co., Kansas City, Mo., in part on or about September 20, 1924, and in part on or about October 23, 1924, from the State of Missouri into the State of Texas, and that having been so transported it remained unsold at Dallas, Tex., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in substance in the libels for the reason that the statements, to wit, "2 in 1" * * * Lice and Mite Remover. The contents of this bottle is sufficient to make 200 gallons '2 in 1'

Lice and Mite Remover is absolutely Guaranteed to rid chickens, turkeys, pigeons or other poultry of all lice, mites, stickite fleas, blue-bugs or other parasites. * * * Directions. Mix ten (10) drops of '2 in 1' Lice and Mite Remover with one (1) gallon of water or use one teaspoonful to four (4) gallons of water. To use more is to waste it. Give it to your poultry for four or five days, keeping other drinking water away from them, and they will be entirely free from insects. Repeat this process every two weeks and you will never have to worry about parasites on your flock," borne on the labels affixed to the bottles containing the article, together with certain statements borne on the circulars shipped with the said article, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against lice, mites, stickite fleas, blue bugs, and all other insects, vermin, and parasites that infest or attack poultry; whereas, the said article, when used as directed, would not be effective for the said purposes.

Misbranding was alleged for the further reason that the article consisted completely of inert substances or ingredients—that is to say, substances that do not prevent, destroy, repel, or mitigate insects when used in the method and manner as directed—and the name and percentage amount of each and every one of the said inert substances or ingredients so contained therein were not stated plainly and correctly on the label affixed to the bottles containing the article.

On May 10, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE,
Secretary of Agriculture.

1073. Adulteration and misbranding of "Killall Roach and Rat Paste," "Lightning Rat and Roach Paste," and "American Roach and Rat Paste." U. S. v. Pfeiffer Mfg. Co. Plea of guilty. Fine, \$140 and costs. (I. & F. No. 1340. Dom. Nos. 18798, 19085, 19189.)

On May 20, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against S. Pfeiffer Mfg. Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the insecticide act of 1910, on or about July 24, 1923, from the State of Missouri into the State of New York, of a quantity of "Killall Roach and Rat Paste," on or about February 5, 1924, from the State of Missouri into the District of Columbia, of a quantity of "Lightning Rat and Roach Paste," and on or about May 31, 1923, from the State of Missouri into the State of West Virginia, of a quantity of "American Roach and Rat Paste," which articles were adulterated and misbranded insecticides within the meaning of said act.

Adulteration of the articles was alleged in the information for the reason that the statements, to wit, "Phosphorus 2 to 2½% Inert Ingredients 97½ to 98%," borne on the labels, represented that their standard and quality were such that they contained not less than 2 per cent of phosphorus, and contained inert ingredients—that is to say, substances that do not prevent, destroy, repel, or mitigate insects in the proportion of not more than 98 per cent; whereas, the strength and purity of the articles fell below the professed standard and quality under which they were sold, in that they contained less than 2 per cent of phosphorus and more than 98 per cent of inert ingredients.

Misbranding was alleged for the reason that the statements, to wit, "Phosphorus 2 to 2½% Inert Ingredients 97½ to 98%," borne on the labels, were false and misleading, and by reason of the said statements the articles were labeled so as to deceive and mislead the purchaser, in that they represented that the articles contained not less than 2 per cent of phosphorus and not more than 98 per cent of inert ingredients; whereas, the said articles contained less than 2 per cent of phosphorus and more than 98 per cent of inert ingredients.

Misbranding was alleged with respect to the "Lightning Rat and Roach Paste," for the further reason that it consisted partially of inert substances or ingredients—that is to say, substances that do not prevent, destroy, repel, or mitigate insects, to wit, roaches—and the name and percentage amount of each and every one of the said inert substances or ingredients so present therein were not stated plainly and correctly on the label affixed to the tins

containing the said article; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said labels.

On October 3, 1925, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$140 and costs.

W. M. JARDINE,
Secretary of Agriculture.

1074. Misbranding of "Hits-It Liquid." U. S. v. Hits-It Mfg. Co. Plea of guilty. Fine, \$25. (I. & F. No. 1389. Dom. Nos. 20062, 20071, 20072.)

On May 14, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hits-It Mfg. Co., a corporation, organized under the laws of New Jersey and having a place of business at Camden, N. J., alleging shipment by said company, on or about October 8, 1923, from Philadelphia, Pa., into the State of Florida, of quantities of "Hits-It Liquid," which was a misbranded insecticide within the meaning of the insecticide act of 1910.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Contents One Quart," and "1 Gal." the former borne on the label affixed to the cans containing a portion of the article, and the latter borne on and impressed in the cans containing the remainder thereof, represented that the contents of the said cans were, in terms of measure, 1 quart or 1 gallon, as the case might be, of the said article; whereas, the contents of the said cans were not correctly stated on the labels, in that they contained less than so declared.

On June 29, 1926, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. M. JARDINE,
Secretary of Agriculture.

1075. Adulteration and misbranding of "Beetol Spra." U. S. v. Charles T. Reh fuss and G. Leroy Anderson. Pleas of nolo contendere. Fines, \$600. (I. & F. No. 1379. Dom. No. 19090.)

On December 14, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles T. Reh fuss and G. Leroy Anderson, trading as partners as Reh fuss and Anderson, Philadelphia, Pa., alleging shipment by said defendants, in violation of the insecticide act of 1910, on or about August 2, 1924, from the State of Pennsylvania into the State of New Jersey, of a quantity of "Beetol Spra," which was an adulterated and misbranded insecticide within the meaning of said act.

Adulteration of the article was alleged in the information for the reason that it was intended for use as an insecticide on vegetation, and the said article, when used according to the directions contained on the label affixed to the package containing the article, would be injurious to certain vegetation.

Misbranding was alleged for the reason that the statements, to wit, "Will not injure Flowers or Plants when properly diluted, * * * Beētol Spra Japanese Beetles and Rose Bugs * * * Beetol Spra acts as a repellent.— Spray thoroughly all the leaves, flowers and fruit. Spray often, as new broods are constantly being hatched. Made especially for use against Japanese Beetles, Rose Bugs * * *," borne on the label affixed to the can containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would not injure flowers and plants, and would be an effective remedy against the Japanese beetle and rose bugs; whereas, the said article, when used as directed, would injure certain flowers and plants, and would not be an effective remedy against the Japanese beetle and rose bugs.

On April 1, 1926, the defendants entered pleas of nolo contendere to the information and the court imposed fines aggregating \$600.

W. M. JARDINE,
Secretary of Agriculture.

